

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

| | | |
|--------------------------|---|---------------|
| RODERICK SIMS, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 12 C 9534 |
| |) | |
| CITY OF CHICAGO, et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM ORDER

McDonald's Corporation ("McDonald's") has filed its Answer to the lengthy Complaint brought against it and a number of codefendants. This memorandum order is issued sua sponte because McDonald's counsel has reflected some basic misunderstandings of federal pleading principles.

First, it is quite true that McDonald's is targeted in only two of the eight counts into which pro se plaintiff Roderick Sims has carved up the Complaint that he drafted pro se. That being so, it is entirely appropriately for McDonald's to decline to respond to the allegations confined to those counts, as its counsel has done in Answer ¶¶50-51, 53-54, 59-61, 63-64, 66-67 and 69-70. But that does not apply to the background allegations in Complaint ¶¶1-47, which must be responded to by McDonald's because they frame the backdrop against which its alleged misconduct must be viewed.¹ Accordingly McDonald's entire Answer

¹ This Court should not be misunderstood, by its ruling here, as expressing any views as to the merit or lack of merit in Sims' claims.

is stricken, and its counsel must return to the drawing board to provide a self-contained Amended Answer in proper form and content.

Another aspect of the Answer also requires correction. In every instance in which McDonald's invokes the disclaimer permitted by Fed. R. Civ. P. ("Rule") 8(b)(5), its counsel has followed that disclaimer with the impermissible statement "and therefore denies the same, each and every one." That is of course oxymoronic--how can a party that asserts (presumably in good faith) that it lacks even enough information to form a belief as to the truth of an allegation then proceed to deny it in accordance with Rule 11(b)? Accordingly the quoted phrase is stricken wherever it appears in the Answer.

This memorandum order has called for the filing of a self-contained amended responsive pleading, rather than simply an amendment to the present one, because the latter alternative would create a patchwork pleading that would make its traversal more difficult for the reader. McDonald's is granted until April 12, 2013 to file that revised pleading.

One other thing: No charge is to be made to McDonald's by its counsel for the added work and expense incurred in correcting counsel's errors. McDonald's counsel are ordered to apprise their client to that effect by letter, with a copy to be transmitted to this Court's chambers as an informational matter

(not for filing).

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive style with a large, stylized "M" and "S".

Milton I. Shadur
Senior United States District Judge

Date: March 26, 2013